

January 22, 2018

West Des Moines City Council Proceedings
Monday, January 22, 2018

Mayor Steven K. Gaer opened the regularly scheduled meeting of the City Council of West Des Moines, Iowa, in the Council Chambers of the West Des Moines City Hall on Monday, January 22, 2018 at 5:30 PM. Council members present were: R. Hardman, J. Mickelson, J. Sandager, and K. Trevillyan.

On Item 1. Agenda. It was moved by Trevillyan, second by Hardman approve the agenda as presented.

Vote 18-018: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 2. Public Forum: No one came forward.

On Item 3. Council/Manager/Other Entities Reports:

Council member Sandager reported he attended his first meeting of the Public Services Subcommittee.

Council member Mickelson reported the West Des Moines Fire Department is currently responding to an apartment fire on Office Park Road.

Council member Hardman reported she attended a meeting of the Library Board of Trustees, where updates were given on the library's phone system upgrade, volunteer hours in 2017, and the addition of ten wireless hotspots. She also attended a meeting of the Development and Planning Subcommittee, where discussion was held a potential Code amendment regarding bars and restaurants and a potential Code amendment to allow vending machines or kiosks for package delivery outside commercial buildings. She also reported she was a keynote speaker at a Martin Luther King Jr. celebration at the Eddie Davis Center.

City Manager Tom Hadden reported he attended the budget workshop for the Des Moines Area Regional Transit Authority (DART), and they plan to leave their levy unchanged.

Mayor Gaer reported he participated in a panel discussion with the Des Moines Register Editorial Board regarding the potential regionalization of water utilities. He also reported he has been elected as the new chair for the Metropolitan Planning Organization (MPO).

On Item 4. Consent Agenda.

It was moved by Sandager, second by Trevillyan to approve the consent agenda as presented.

January 22, 2018

- a. Approval of Minutes of January 8, 2018 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 - 1. Master of None, LLC d/b/a Barn Town Brewing, 9500 University Avenue, Suite 1110 - Class LC Liquor License with Sunday Sales, Brew Pub, High Proof Brew Pub, and Outdoor Service Privileges - Renewal
 - 2. Hy-Vee, Inc., d/b/a Hy-Vee Food & Drugstore #3, 1725 Jordan Creek Parkway - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
 - 3. Hy-Vee, Inc. d/b/a Hy-Vee Meeting Room, 1725 Jordan Creek Parkway - Transfer Location Temporarily to 1236 Jordan Creek Parkway (SpringHill Suites) - February 7-8, 2018
 - 4. Miranda Family Corporation d/b/a Mi Patria, 1410 22nd Street - Class BW Permit with Sunday Sales - Renewal
 - 5. Muldoon Enterprises LIC d/b/a WineStyles, 5515 Mills Civic Parkway, Suite 120 - Class BW Permit with Carryout Wine, Sunday Sales, and Outdoor Service - Renewal
- d. Approval of Agreement - ITS Director Recruitment Services
- e. Approval of Payment of Crop and Equipment Damage Claim
- f. Approval of Pay Plan for Seasonal/Temporary Employees
- g. Accepting Purchase of Equipment:
 - 1. Traffic Signal Radar Technology Detector Units at Three Intersections
 - 2. Traffic Signal Radar Technology Detector Units at Four Intersections
- h. Order Construction:
 - 1. Law Enforcement Center Lower Level Remodel, Phase 3
 - 2. Walnut Creek Outfall - Project 1
- i. Accept Work:
 - 1. Fox Creek Trunk Sewer Extension, Phase 2
 - 2. Public Safety Station 18 Exterior Improvements
 - 3. South 50th Street Widening, Mills Civic Parkway to EP True Parkway
- j. Approval and Acceptance of Condemnation Award - Project Osmium Public Infrastructure

Vote 18-019: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

Council member Trimble arrived at 5:37 p.m. The attendance was re-taken. Council members present were: R. Hardman, J. Mickelson, J. Sandager, K. Trevillyan, and R. Trimble

On Item 5(a) Jordan Creek Business Park, Village View Drive between South 60th Street and South 64th Street - Specific Plan Amendment to Allow SIC 4225 "Self-Service Storage Facility - Interior Unit Access with no Outside Storage Yard" as a Permitted Use, initiated by Rueter & Zenor Company and Rueter Corporation (Continued from July 10, 2017, August 7, 2017, August

January 22, 2018

21, 2017, September 5, 2017, September 18, 2017, October 16, 2017, October 30, 2017, November 13, 2017, and December 11, 2017)

Jason Thiellen, E&A Consulting Group, 10909 Mill Valley Road, Suite 100, Omaha, Nebraska, representing the applicant, provided an update on changes that have been made to the proposed indoor self-storage project to address concerns of the neighboring businesses, such as reducing the building height from four stories to three stories and pivoting the building to increase visibility from the street of the business park to the east. Another concern was the secondary access connection from this property to the business park to the east, which is required by City Code. The neighboring businesses also expressed concerns about traffic generated by an indoor self-storage facility; however he noted that a 60,000 sq. ft. office building would generate 700 cars per day, while a 120,000 sq. ft. storage facility would only generate 160 cars per day, and he believes the type of traffic will not be different from some of the traffic generated by the business park to the east. He also reported that MorningStar Senior Living has submitted a letter of support for this project, and BioLife Plasma Services, which had previously opposed the project, has recently withdrawn their opposition.

Tim Hogan, Hogan Law Office, representing the businesses of the Village View Condos, stated his clients are opposed to the proposed ordinance, because they had chosen to locate their businesses in an office park assuming that more offices would be located around them, and they don't feel an indoor self-storage facility would complement their office park in the same way. He noted while the proposed project would look like an office building, it will not function as an office. He stated the applicant had said they would withdraw their application if there are objections, and he believes that is what should be done. He also stated that if the project goes through, his clients would prefer that the secondary connection not flow through their business park property.

Melanie Seamans, MorningStar Senior Living, 525 South 60th Street, spoke in support of the proposed project, because it would benefit their residents who would like to have their belongings nearby. She also stated she believes it would be a good fit in the neighborhood.

Dave Brown, who owns a business at 6150 Village View Drive, expressed opposition to the proposed project, citing concerns that this use is not what was expected when he and his fellow condo-owners located their businesses in this business park. He stated he believes this use would be detrimental to the existing business park and there are more appropriate parcels throughout the City zoned for this use.

Council member Mickelson acknowledged there is a need for this type of product in West Des Moines, however he cannot support this project at this location, because there are 11 existing businesses on the adjacent property against this project that purchased their condos expecting additional offices to be located on this site.

January 22, 2018

Mr. Thiellen responded to questions from the Council. He stated there will be dumpsters on the site, both internal and external. He also stated it will not work to make the secondary access go north along the east side of the building and enter onto Village View Drive, because there would not be enough separation from the existing business park's driveway. It also will not work to make the secondary access go south towards the retail stores on Mills Civic, because there is a significant elevation change to the south. He also stated the facility could have cameras installed to monitor the property and ensure there is no illegal dumping in the neighboring property's dumpster.

Discussion was held on the feasibility of making the secondary access go north along the east side of the building and enter onto Village View Drive, yet still maintain the required driveway separation. Mr. Thiellen stated the applicant would be willing to look further into that possibility.

Mr. Thiellen responded to additional questions from the Council. He stated the unit configuration has not yet been determined but the monthly rents for the units will vary from roughly \$100 to \$150 per month.

Mr. Hogan stated the driveway connections were planned for this development to allow for movement between the common office uses; however if this indoor self-storage facility goes in with a driveway connection to the business condo property, then it could generate unwanted traffic through their property.

The Council members held additional discussion on the proposed specific plan amendment and the appropriateness of an indoor self-storage use being located in this area.

It was moved by Trevillyan, second by Sandager to consider the second reading of the ordinance.

Vote 18-020: Hardman, Sandager, Trevillyan, Trimble ... 4 yes
Mickelson ... 1 no

Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Sandager to approve the second reading of the ordinance.

Vote 18-021: Hardman, Sandager, Trevillyan, Trimble ... 4 yes
Mickelson ... 1 no

Motion carried.

It was moved by Trevillyan, second by Sandager to waive the third reading and adopt the ordinance in final form.

January 22, 2018

Vote 18-022: Hardman, Sandager, Trevillyan, Trimble ... 4 yes
Mickelson ... 1 no

Motion carried.

On Item 5(b) Amendment to City Code - Title 4 (Health and Safety Regulations), Chapter 8B (Stormwater Management Charges) - Modification of Rates, initiated by the City of West Des Moines

It was moved by Trevillyan, second by Mickelson to consider the second reading of the ordinance.

Vote 18-023: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Mickelson to approve the second reading of the ordinance.

Vote 18-024: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

It was moved by Trevillyan, second by Mickelson to waive the third reading and adopt the ordinance in final form.

Vote 18-025: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(c) Amendment to City Code - Title 7 (Public Ways and Property), Chapter 8C (Sanitary Sewer System User Charges) - Modification of Rates, initiated by the City of West Des Moines

It was moved by Trimble, second by Hardman to consider the second reading of the ordinance.

Vote 18-026: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trimble, second by Hardman to approve the second reading of the ordinance.

Vote 18-027: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

January 22, 2018

It was moved by Trimble, second by Hardman to waive the third reading and adopt the ordinance in final form.

Vote 18-028: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(a) Mayor Gaer indicated this was the time and place for a public hearing to consider Amendment to City Code - Title 2 (Boards and Commissions), Chapter 2 (Board of Adjustment) and Title 9 (Zoning), Various Chapters - Modify the Process, Approval, and Requirements for Permitted Conditional Use Permits, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on January 5, 2018 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 6-0, with one member absent, the Plan and Zoning Commission recommended City Council approval of the ordinance amendment.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trimble, second by Hardman to consider the first reading of the ordinance.

Vote 18-029: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trimble, second by Hardman to approve the first reading of the ordinance.

Vote 18-030: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(b) Mayor Gaer indicated this was the time and place for a public hearing to consider Amendment to City Code - Title 8 (Building Regulations), Chapter 5 (Site Grading Regulations) and Chapter 6 (Construction Site Erosion and Sediment Control) and Title 9 (Zoning), Chapter 1 (Entitlements - Process and Procedures) - Modify the Procedures and Requirements for Grading Permits, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on January 5, 2018 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 6-0, with one member absent, the Plan and Zoning Commission recommended City Council approval of the ordinance amendment.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

January 22, 2018

It was moved by Trevillyan, second by Hardman to consider the first reading of the ordinance.

Vote 18-031: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Hardman to approve the first reading of the ordinance.

Vote 18-032: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(c) Mayor Gaer indicated this was the time and place for a public hearing to consider Amendment to City Code - Title 9 (Zoning), Chapter 7 (Setback and Bulk Density Regulations) - Modify the Bulk Regulations for Non-Residential Zoning Districts, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on January 5, 2018 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 6-0, with one member absent, the Plan and Zoning Commission recommended City Council approval of the ordinance amendment. He also stated two correspondences were received, which were included with the council communication.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trevillyan, second by Hardman to consider the first reading of the ordinance.

Council member Trimble inquired if there have been any complaints received on this proposed ordinance.

Lynne Twedt, Development Services Director, responded staff has not received any complaints.

Vote 18-033: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Hardman to approve the first reading of the ordinance.

Vote 18-034: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

January 22, 2018

On Item 6(d) Mayor Gaer indicated this was the time and place for a public hearing to consider Outlots B and C, Willow Creek Estates - Conveyance of Property, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on January 11, 2018 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trimble, second by Hardman to adopt Resolution - Approval of Conveyance of Property.

Vote 18-035: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(a) The Chicken Restaurant, 4221 SE Orilla Road - Minor Modification to Allow Remodeling of an Existing Building and Site for a Restaurant, initiated Orilla Land Company

It was moved by Sandager, second by Trevillyan to adopt Resolution - Approval of Minor Modification, subject to the applicant complying with all applicable City Code requirements and the conditions of approval listed in the Resolution.

Vote 18-036: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(b) Redevelopment Funding Programs in Historic West Des Moines, initiated by the City of West Des Moines

Council member Trevillyan commented this program has been extremely beneficial to the properties in the Historic Valley Junction Business District, and he is aware of other potential projects in that area that could also benefit from the program.

It was moved by Trevillyan, second by Hardman to approve Motion - Approval of Option 3: continue the programs until all remaining funds have been depleted, and allocate additional monies in the FY 2018-19 budget to these programs for future rounds.

Council member Sandager stated he supports continuing the programs until all remaining funds have been depleted, but he would only support allocating additional monies if they won't come out of the reserve fund.

Council members held additional discussion about the programs, and expressed support for continuing the programs with the funding amount and funding source to be determined at a later date, but the funding should not come out of the reserve fund.

January 22, 2018

Council member Mickelson suggested the programs could be expanded to other areas in addition to the Historic Valley Junction Business District.

Mayor Gaer suggested, if the motion passes to approve option 3, the Finance and Administration Subcommittee should discuss the allocation dollar amount and the funding source.

Vote 18-037: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(c) Removed

On Item 7(d) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 2 (Through Streets Stop Required) - Maple Street, from 8th Street to 14th Street, initiated by the City of West Des Moines

It was moved by Trevillyan, second by Hardman to consider the first reading of the ordinance.

Vote 18-038: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Hardman to approve the first reading of the ordinance.

Vote 18-039: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(e) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 5 (No Parking Zones) - 10th Street, from Grand Avenue to 80 ft. south of Grand Avenue, initiated by the City of West Des Moines

It was moved by Sandager, second by Trevillyan to consider the first reading of the ordinance.

Vote 18-040: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Sandager, second by Trevillyan to approve the first reading of the ordinance.

Vote 18-041: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

January 22, 2018

On Item 8(a) Louise Gately Resignation - Library Board of Trustees - Received and Filed

Council member Mickelson left the meeting at 7:08 p.m.

On Item 9(a) Legislative Updates

Jamie Letzring, Deputy City Manager, reported staff recommends the Council vote to register in support of SSB 3022, which would allow cities to invest that portion of operating funds in excess of 33 percent of operating funds in certificates of deposit which mature within five years or less. She also noted staff had recommended registering as opposed to HSB 511, which relates to city budget approval procedures, but that bill did not make it out of subcommittee, so there is no longer a need to vote on it.

Mayor Gaer suggested that the Council also vote to register as opposed to HSB 514, which relates to dates for local elections.

The Council members agreed with Mayor Gaer's suggestion.

Mayor Gaer also requested that the Legislative Subcommittee minutes be included with the Council communication for Item 9(a) Legislative Updates, when applicable.

It was moved by Sandager, second by Trevillyan to approve Motion - Direct Staff to Register the City in Support of SSB 3022 and Opposed to HSB 514.

Council member Trimble stated he will abstain on this item due to a potential conflict of interest.

Vote 18-042: Hardman, Sandager, Trevillyan ... 3 yes
Trimble ... 1 abstain due to potential conflict of interest
Motion carried.

The meeting was adjourned at 7:16 p.m.

Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

Steven K. Gaer, Mayor